IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 08th day of June 2005
Criminal Misc. Bail Application No. 398 / 2005
Order on the bail application of accused .

CRIMINAL SIDE

Amar Dev S/o Sadanand
R/o village Mun Gaon (Pipaldanga)
Patwari Circle Ajmer Palla – 2
Tehsil Kotdwara
District Pauri Garhwal ……Applicant

Versus

State of Uttaranchal ….Opposite Party

Arising out of case crime No. 04/ 2003
U/s 302 IPC & 27 Arms Act
Registered with Patwari Circle Ajmer Palla- 2
Tehsil Kotdwara
District Pauri Garhwal
Now S.T. No. 20/2004 State Vs. Amar Dev pending
before the Sessions Judge, Pauri Garhwal

Hon'ble J.C.S. Rawat, J.

Heard Sri Pankaj Purohit learned counsel for the applicant and learned A.G.A. for the State.

Perused for record. The complainant-Smt. Pushpa Devi, who said to be the eye-witness of the incident, stated in the FIR that Bhupal Singh and Khusi Ram had seen the occurrence. Both the witnesses have been declared hostile by the prosecution and they have not corroborated the factum of murder by the accused. Rejection order of the Sessions Judge reveals that all the witnesses have been recorded and only the statement of doctor and I.O. is to be recorded. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated 08.06.2005
LSR